

Ordinance No. 18152-07-2008

AN ORDINANCE INCREASING APPROPRIATIONS IN THE RISK MANAGEMENT FUND IN THE AMOUNT OF \$25,000 AND DECREASING THE UNAUDITED, UNRESERVED, UNDESIGNATED FUND BALANCE BY THE SAME AMOUNT, FOR THE PURPOSE OF FUNDING THE AUTHORIZATION TO INCREASE THE MAXIMUM AMOUNT TO BE PAID TO D. LEE THOMAS TO REPRESENT SERGEANT GLENN VERRETT IN THE LAWSUIT ENTITLED ANGELO ALLUMS SR AND JANET ALLUMS, INDIVIDUALLY, AND ON BEHALF OF MINOR ANGELO ALLUMS III VS CITY OF FORT WORTH ET AL, NO. 4:07-CV-001-Y; PROVIDING FOR A SEVERABILITY CLAUSE; MAKING THIS ORDINANCE CUMULATIVE OF PRIOR ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS:

SECTION 1.

That in addition to those amounts allocated to the various City departments for Fiscal Year 2007-2008 in the Budget of the City Manager, there shall also be increased appropriations in the Risk Management Fund in the amount of \$25,000 and decreasing the unaudited, unreserved, undesignated fund balance by the same amount, for the purpose of funding the authorization to increase the maximum amount to be paid to D. Lee Thomas to represent Sergeant Glenn Verrett in the lawsuit entitled Angelo Allums Sr. and Janet Allums, individually, and on behalf of minor Angelo Allums III vs. City of Fort Worth et al, No. 4:07-CV-001-Y.

SECTION 2.

That should any portion, section or part of a section of this ordinance be declared invalid, inoperative or void for any reason by a court of competent jurisdiction, such decision, opinion or judgment shall in no way impair the remaining portions, sections, or parts of sections of this ordinance, which said remaining provisions shall be and remain in full force and effect.


SECTION 3.

That this ordinance shall be cumulative of Ordinance No. 17749 and all other ordinances and appropriations amending the same except in those instances where the provisions of this ordinance are in direct conflict with such other ordinances and appropriations, in which instance said conflicting provisions of said prior ordinances and appropriations are hereby expressly repealed.

SECTION 4.

This ordinance shall take effect upon adoption.

APPROVED AS TO FORM AND LEGALITY:

  
Assistant City Attorney

ADOPTED AND EFFECTIVE: July 8, 2008

*City of Fort Worth, Texas*  
**Mayor and Council Communication**

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**COUNCIL ACTION:** Approved on 7/8/2008 - Res. No. 3631-07-2008 & Ord. No. 18152-07-2008

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**DATE:** Tuesday, July 08, 2008  
**LOG NAME:** 12INCREASEATTY

**REFERENCE NO.:** \*\*G-16184

**SUBJECT:**

Adopt Resolution Authorizing the Increase in the Maximum Amount to be Paid to D. Lee Thomas to Represent Sergeant Glenn Verrett, in an Amount Not to Exceed \$50,000.00, in the Lawsuit Entitled Angelo Allums, Sr., and Janet Allums, Individually and on Behalf of Minor Angelo Allums, III, vs. City of Fort Worth, et al, No. 4:07-CV-001-Y, and Adopt Supplemental Appropriation Ordinance

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**RECOMMENDATION:**

It is recommended that the City Council:

1. Adopt the attached resolution authorizing the maximum amount to be paid to D. Lee Thomas to represent Sergeant Glenn Verrett in the subject lawsuit be increased to \$50,000.00; and
2. Adopt the attached supplemental appropriation ordinance increasing the appropriations in Risk Management Fund by \$25,000.00 and decreasing the unaudited, unreserved, undesignated fund balance by the same amount.

**DISCUSSION:**

This is a civil rights lawsuit against the City of Fort Worth and Sergeant Glenn Verrett, involving alleged violations of the constitutional rights of Angelo Allums, Jr., who died while in custody at the Fort Worth jail. Pursuant to Section 180.002 of the Texas Local Government Code, the City is required to provide legal representation to its police officers without cost, if requested by the officer, and if the suit involves an official act of the officer within the scope of the officer's authority. Section 180.002 further provides that the City may employ outside counsel to represent its police officers. The City Attorney's Office reviewed the suit and determined that Sergeant Verrett should be represented by outside counsel. Accordingly, it was agreed between the City Attorney and Sergeant Verrett that D. Lee Thomas should be retained to represent Sergeant Verrett.

As a condition of his employment, Mr. Thomas had agreed that his legal fees in this matter would not exceed \$25,000.00 without City Council approval.

Because of the on-going nature of this litigation, and the fact that legal fees billed by Mr. Thomas to date are \$22,816.44, it is recommended that the City Council confirm the hiring of D. Lee Thomas to represent Sergeant Verrett in this lawsuit, and provide that the total attorney fees to be paid to Mr. Thomas be increased to an amount not to exceed \$50,000.00.

**FISCAL INFORMATION/CERTIFICATION:**

The Finance Director certifies that upon approval of the above recommendations and adoption of the attached supplemental appropriation ordinance, funds will be available in the current operating budget, as appropriated, of the Risk Management Fund. Upon approval, the projected unaudited, unreserved,

undesignated fund balance of the Risk Management Fund will be \$6,078,998.00 which is the amount available above the minimum reserve fund balance of \$1,368,049.00 required by the City's Financial Management Policy Statements (i.e., 25 percent of the current-year adopted budget expenditures).

**TO Fund/Account/Centers**

**FROM Fund/Account/Centers**

FE71 534060 0137120

\$50,000.00

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**Submitted for City Manager's Office by:**

Joe Paniagua (6191)

**Originating Department Head:**

David Yett (7606)

**Additional Information Contact:**

Gerald Pruitt (7616)

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